

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101
(206) 553-1214

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES) FOR FACILITIES RELATED TO OIL AND GAS EXTRACTION.

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act," the following discharges are authorized in accordance with this General NPDES Permit:

<u>Discharge Name</u>	<u>Discharge Number</u>
Sanitary Wastewater	001
Domestic Wastewater	002
Gravel Pit Dewatering	003
Construction Dewatering	004
Hydrostatic Test Water	005

from facilities listed in Permit Part I.A. and authorized according to Permit Part I.C.
Discharges of pollutants not specifically set out in this permit are not authorized.

The area of coverage is Alaska's North Slope Borough (see Attachment C) and seaward.

This permit shall become effective April 10, 1997.

This permit and the authorization to discharge shall expire at midnight,
April 10, 2002.

Signed this 27th day of February, 1997.

/s/ Philip G. Millam
Philip G. Millam
Director, Office of Water, Region 10
U.S. Environmental Protection Agency

This permit modification shall become effective on March 16, 1998.

Signed this 12th day of February, 1998,

/s/ Roger K. Mochnick for
Philip G. Millam
Director, Office of Water, Region 10
U.S. Environmental Protection Agency

TABLE OF CONTENTS

Cover Sheet--Issuance and Expiration Dates	1
I. APPLICABILITY AND NOTIFICATION REQUIREMENTS	4
A. Applicability	4
B. Requests for Coverage	4
C. Authorization to Discharge	5
D. Termination of Discharges	5
E. Submission of Information	5
F. Changes from a General Permit to an Individual Permit	6
II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS	7
A. Sanitary Wastewater Discharges	7
B. Domestic Wastewater Discharges	8
C. Gravel Pit Dewatering	9
D. Construction Dewatering	11
E. Hydrostatic Test Water	12
F. Best Management Practices Plan	14
G. Other Discharge Limitations	17
III. MONITORING, RECORDING, AND REPORTING REQUIREMENTS	17
A. Representative Sampling	17
B. Reporting of Monitoring Results	17
C. Monitoring Procedures	17
D. Additional Monitoring by the Permittee	18
E. Records Contents	18
F. Retention of Records	18
G. Notice of Noncompliance Reporting	18
H. Other Noncompliance Reporting	19
I. Inspection and Entry	19
IV. COMPLIANCE RESPONSIBILITIES	20
A. Duty to Comply	20
B. Penalties for Violations of Permit Conditions	20
C. Need to Halt or Reduce Activity not a Defense	21
D. Duty to Mitigate	21
E. Proper Operation and Maintenance	21
F. Removed Substances	21
G. Bypass of Treatment Facilities	22
H. Upset Conditions	23
I. Toxic Pollutants	23
V. GENERAL REQUIREMENTS	23
A. Changes in Discharge of Toxic Substances	23
B. Planned Changes	24
C. Anticipated Noncompliance	25

D.	Permit Actions	25
E.	Duty to Reapply	25
F.	Duty to Provide Information	25
G.	Other Information	25
H.	Signatory Requirements	25
I.	Availability of Reports	27
J.	Oil and Hazardous Substance Liability	27
K.	Property Rights	27
L.	Severability	27
M.	Transfers	27
N.	State Laws	27
O.	Paperwork Reduction Act.	28
VI.	DEFINITIONS	28

I. APPLICABILITY AND NOTIFICATION REQUIREMENTS

This permit does not authorize the discharge of pollutants to waters of the United States until the requirements of I.B., I.C. and I.D. below, are met.

A. Applicability

Discharges described in the following table can be authorized by this general permit:

Outfall	Facility	Fresh Water	Marine Water
Sanitary (001) and Domestic (002) Wastewater	Mobile Camps	X	X*
	Exploration	X	X*
	Existing Development and Production	X	X*
	New Source Development and Production~	X	X*
Gravel Pit Dewatering (003)	Direct or Tundra Discharges	X	
	Ice Structures	X	X
	Road Watering	X	
Construction Dewatering (004)	Direct or Tundra Discharges	X	X
Hydrostatic Test Water (005)	Direct or Tundra Discharges	X	X
* In the Coastal Area (defined in Permit Part VI.F.) and Off-shore of the coverage area ~ Subsequent to the NEPA process identifying the GP as the preferred alternative			

B. Requests for Coverage

Persons requesting coverage under this general permit shall provide to EPA a written request to be covered by this permit at least 45 days prior to initiation of discharges. The request will be made in the form of a Notice of Intent (NOI), Office of Management and Budget (OMB) approval number 2040-0086. An NOI information sheet is Attachment A of this general permit. The NOI shall be signed by a responsible on-site representative.

Mobile camps may designate an area where they will be operating and if the operation takes them outside the designated area, a new NOI would be necessary.

If a permittee is unsure of the location of the discharge 45 days prior to the initiation of discharges, a second notice shall be sent no later than seven days prior to initiation of discharges from the facility. The notification shall include the exact coordinates (latitude and longitude) of the operation. Notification may be oral or in writing. If notification is given orally, written notification must follow within seven days.

The Best Management Practices (BMP) Plan shall be in place no later than seven days prior to the initiation of discharges.

C. Authorization to Discharge

The permittee's discharges are authorized when the permittee receives written notification that EPA has assigned a permit number under this general permit to operations at the discharge site. A new source discharger, as defined in 40 CFR 122.2, of sanitary and/or domestic wastewater may not be authorized until after the NEPA process is completed.

D. Termination of Discharges

The permittee shall notify EPA when General Permit coverage is no longer needed at a site or within an area described by an NOI. This will terminate permit coverage at the site or within the area. The notification may be provided in a Discharge Monitoring Report (DMR), OMB approval number 2040-0004, or under separate cover.

E. Submission of Information

Reports and notifications required herein shall be submitted to the following address:

Manager, NPDES Permits Unit
U.S. Environmental Protection Agency
1200 Sixth Avenue, **OW-130**
Seattle, WA 98101

All monitoring reports and notifications of noncompliance:

Manager, NPDES Compliance Unit
U.S. Environmental Protection Agency
1200 Sixth Avenue, **OW-133**
Seattle, WA 98101

All of the above information shall also be sent to:

Alaska Department of Environmental Conservation (ADEC)
Watershed Development Group - Industrial Permits
555 Cordova Street
Anchorage, Alaska 99501

F. Changes from a General Permit to an Individual Permit

1. The Director may require any permittee discharging under the authority of this permit to apply for and obtain an individual NPDES permit when any one of the following conditions exist:
 - a. The discharge(s) is (are) a significant contributor of pollution.
 - b. The permittee is not in compliance with the conditions of this general permit.
 - c. A change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.
 - d. A Water Quality Management Plan containing requirements applicable to such a point source is approved.
 - e. The point sources covered by this permit no longer:
 - (1) involve the same or substantially similar types of operations,
 - (2) discharge the same types of waste,
 - (3) require the same effluent limitations or operation conditions, or
 - (4) require the same or similar monitoring.
 - f. In the opinion of the Director, the discharges are more appropriately controlled under an individual permit rather than under a general NPDES permit.
2. The Director may require any permittee authorized by this permit to apply for an individual NPDES permit only if the permittee has been notified in writing that an individual permit application is required.
3. Any permittee authorized by this permit may request to be excluded from the coverage of this general permit by applying for an individual permit. The owner or operator shall submit an

application together with the reasons supporting the request to the Director no later than 90 days after the effective date of the permit.

4. When an individual NPDES permit is issued to a permittee otherwise subject to this general permit, the authorization to discharge under this general permit is automatically terminated on the effective date of the individual permit.

II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit, discharges from the following outfalls are authorized according to the terms and conditions of this general permit:

A. Sanitary Wastewater Discharges - Discharge 001

Discharges of Sanitary Wastewater shall be limited and monitored by the permittee in accordance with Parts III., IV., V. and the following requirements:

1. Specific Limitations
 - a. The pH shall not be less than 6.5 nor greater than 8.5.
 - b. The discharge shall not, alone or in combination with other substances, cause a film, sheen or discoloration on the surface of the water or adjoining shorelines.
 - c. The following limits shall apply:

EFFLUENT LIMITATIONS					
Parameter, (units)		7-Day Average	30-Day Average	Daily Maximum	Units
Flow		---	---	15,000	gallons/day
Biochemical Oxygen Demand (BOD ₅)		45	30	60	mg/L
Total Suspended Solids (TSS)		45	30	60	mg/L
Fecal Coliform	Freshwater	---	20	40	#/100 ml
	Marine water	---	14	43	
Total Residual Chlorine (TRC)	Open Waters	---	---	2*	µg/L
	Frozen Tundra or Ice	---	---	4	mg/L
	Summer Tundra	---	---	2	mg/L
* In water bodies supporting salmonid fish, otherwise 10 µg/L.					

2. Monitoring Requirements

MONITORING REQUIREMENTS			
Parameter	Sample Location	Sampling Frequency	Type of Sample
Total Flow	Effluent	Daily	Estimate
BOD ₅	Effluent	Weekly	Grab
TSS	Effluent	Weekly	Grab
pH	Effluent	Weekly	Grab
Fecal Coliform	Effluent	1/Month	Grab
TRC	Effluent	Weekly	Grab

3. Discharges to Tundra Wetlands or Ice

In addition to meeting the above effluent limitations, the BMP Plan developed to comply with Permit Part II.F., below, will address such items as prevention of chlorine burn and excessive nutrient and/or sediment loading of the tundra.

The state of Alaska has authorized a mixing zone for chlorine residual extending 100 meters radially from the point of discharge.

B. Domestic Wastewater Discharges - Discharge 002

Discharges of Domestic Wastewater shall be limited and monitored by the permittee in accordance with Parts III., IV., V. and the following requirements:

1. Specific Limitations

- The discharge shall not, alone or in combination with other substances, cause a film, sheen or discoloration on the surface of the water or adjoining shorelines.
- No discharge of floating solids, foam or garbage.
- Kitchen oils from food preparation shall not be discharged.

2. Monitoring Requirements

MONITORING REQUIREMENTS			
Parameter	Sample Location	Sampling Frequency	Type of Sample
Total Flow	Effluent	Daily	Estimate
Floating Solids	Effluent	Daily	Observation
Foam	Effluent	Daily	Observation
Garbage	Effluent	Daily	Observation
Oily Sheen	Effluent	Daily	Observation

3. *Discharges to Tundra Wetlands or Ice*

In addition to meeting the effluent limitations above, the BMP Plan developed to comply with Permit Part II.F., below, will address such items as excessive nutrient and/or sediment loading of the tundra.

C. Gravel Pit Dewatering - Discharge 003

Discharges from Gravel Pits shall be limited and monitored by the permittee in accordance with Parts III, IV, V and the following requirements:

1. *Specific Limitations*

EFFLUENT LIMITATIONS			
Parameter	Minimum	Maximum	Units
Total Flow	---	1.5	Million gallons per day (MGD)
Settleable Solids (SS)	No increase above natural conditions.		ml/L
pH	6.5	8.5	Standard Units (S.U.)
Oily Sheen	No discharge of floating solids, visible foam or oily wastes which may cause a film, sheen, or discoloration on the surface or floor of the water body or adjoining shorelines. Surface waters must be virtually free from floating oils.		

2. *Monitoring Requirements for discharge to open waters.*

MONITORING REQUIREMENTS			
Parameter	Sample Location	Sampling Frequency	Type of Sample
Total Flow	Effluent	Daily	Estimate
SS	Effluent	Weekly	Grab
	Natural conditions*		
pH	Effluent	Weekly	Grab
Oily Sheen	Surface of the mine water and receiving water	Daily	Visual
*Not necessary if the effluent measures below the detection level of 0.2 ml/L.			

3. *Ice Structures, Road Watering and Discharges to Tundra Wetlands*

- a. The Best Management Practices (BMP) Plan (the BMP Plan) developed to comply with Permit Part II.F., below, will address the methods used to dewater a gravel pit to meet the effluent limitations in Permit Part II.C.1. for a direct discharge.
- b. Although effluent parameters will not be measured, the BMP Plan shall specify the methods developed in II.C.3.a. as the way a gravel pit will be dewatered when the water will be discharged to tundra wetlands or used in ice structures and road watering.
- c. The BMP Plan shall address, when necessary, the operation and maintenance of the ice structures constructed using gravel pit water so there will be no detrimental effects on water quality prior to the melting of the ice road in the spring. The BMP Plan will also address, when necessary, the use of gravel pit water for road watering and outline the measures to prevent pollutants from the road bed from reaching waters of the United States.

D. Construction Dewatering - Discharge 004

Construction Dewatering Discharges shall be limited and monitored by the permittee in accordance with Parts III., IV., V. and the following requirements:

1. *Specific Limitations*

EFFLUENT LIMITATIONS				
Parameter		Minimum	Maximum	Units
Total Flow		---	---	Gallons per day (GPD)
Settleable Solids (SS)		No increase above natural conditions.		ml/L
Turbidity	Freshwater	---	5 NTUs above natural conditions	Nephelometric Turbidity Units (NTU)
	Marine		25	NTU

2. *Monitoring Requirements for discharges to open waters.*

MONITORING REQUIREMENTS			
Parameter	Sample Location	Sampling Frequency	Type of Sample
Total Flow	Effluent	Daily	Estimate
SS	Effluent	Daily	Grab
	Natural conditions*		
Turbidity	Effluent	Daily	Grab
	Natural conditions*	Daily	Grab
*Not necessary if the effluent measures below the detection level of 0.2 ml/L.. *Not necessary if the effluent measures 5 NTUs or below *Not necessary for discharges to marine waters.			

3. *Discharges to Tundra Wetlands*

- a. The BMP Plan developed to comply with Permit Part II.F., below, shall address the methods used in construction dewatering to meet the effluent limitations in Permit Part II.D.1. for a direct discharge.
- b. While effluent parameters will not be measured, the BMP Plan shall specify the methods developed in Permit Part II.D.3.a. as the way construction dewatering will occur when the water will be discharged to tundra wetlands.

E. Hydrostatic Test Water - Discharge 005

This permit does not authorize the discharge of hydrostatic testing waters from pipelines previously used to transport crude oil.

Discharges of Hydrostatic Test Water shall be limited and monitored by the permittee in accordance with Parts III., IV., V. and the following requirements:

1. *Specific Limitations*
 - a. Daily observations shall be made for erosion and reported on the monitoring report forms if erosion is observed. This shall be in addition to monitoring required in Part II.E.2. The discharge shall not cause thermokarsting or physical erosion.
 - b. The discharge shall not cause resuspension of sediments upon entering receiving waters.
 - c. The discharge shall be free of (a) any additives such as antifreeze solutions, methanol, solvents, corrosion inhibitors; (b) solid wastes including slag, welding rod, trash; (c) toxic substances; (d) grease, oils which produce a sheen; (e) foam in other than trace amounts; (f) or other contaminants.
 - d. The pH shall not be less than 6.5 nor greater than 8.5.
 - e. The discharge shall not, alone or in combination with other substances, cause a film, sheen or discoloration on the surface of the water or adjoining shorelines.
 - f. If marine water is used as hydrotest water, it may only be discharged back to the marine environment.
 - g. The following limits shall apply.

EFFLUENT LIMITATIONS			
Parameter	Minimum	Maximum	Units
Total Flow	---	---	Gallons per day (GPD)
Settleable Solids (SS)	---	0.2	ml/L
Oil, Grease and Hydrocarbons	---	No visible sheen	---

EFFLUENT LIMITATIONS				
Parameter		Minimum	Maximum	Units
Turbidity	Freshwater	---	5 NTUs above natural conditions	Nephelometric Turbidity Units (NTU)
	Marine	---	25	NTU

2. *Monitoring Requirements for discharges to open waters.*

The following sampling frequency for the parameters settleable solids, pH, and turbidity shall be adhered to for the discharge of hydrostatic test waters. A representative sample shall be collected of the first 42,000 gallons (1000 barrels) discharged, and each subsequent 210,000 gallons (5000 barrels) discharged. A minimum of one sample will be collected for each project.

MONITORING REQUIREMENTS			
Parameter	Sample Location	Sampling Frequency	Type of Sample
Total Flow	Effluent	Daily	Estimate
Settleable Solids	Effluent	As Specified	Grab
pH	Effluent	As Specified	Grab
Oil, Grease and Hydrocarbons	Effluent	When Sheen** Observed	Grab
Turbidity	Effluent	As Specified	Grab
	Natural Conditions*		
<p>*Not necessary if the discharge measures 5 NTUs or less.</p> <p>**Not necessary for discharges to marine waters.</p> <p>** A sample of the discharged water shall be collected and analyzed for oil, grease, and total aromatic hydrocarbons if an oil sheen is observed in any location associated with the discharge.</p>			

3. *Discharges to Tundra Wetlands*

- a. The BMP Plan developed to comply with Permit Part II.F., below, shall address the methods used when discharging hydrostatic test water to meet the effluent limitations in Part II.E.1. for a direct discharge.
- b. While effluent parameters will not be measured, the BMP Plan shall specify the methods developed for Permit Part II.E.3.a. as the way

the discharge of hydrostatic test water will occur when the water will be discharged to tundra wetlands.

F. Best Management Practices Plan

1. *Development.* The permittee shall during the term of this permit operate the facility in accordance with the BMP Plan or in accordance with subsequent amendments to the BMP Plan. The BMP Plan shall be ready to implement 7 days prior to the initiation of discharge. The permittee shall also amend this Plan to incorporate practices which shall achieve the objectives and specific requirements listed below. A copy shall be kept on-site and shall be made available to EPA and ADEC upon request.
2. *Purpose.* Through implementation of the BMP Plan the permittee shall prevent or minimize the generation and the potential for the release of pollutants from the facility to the waters of the United States through normal operations and ancillary activities.
3. *Objectives.* The permittee shall develop and amend the BMP Plan consistent with the following objectives for the control of pollutants.
 - a. The number and quantity of pollutants and the toxicity of the effluent generated, discharged or potentially discharged at the facility shall be minimized by the permittee to the extent feasible by managing each influent waste stream in the most appropriate manner.
 - b. Under the BMP Plan, and any Standard Operating Procedures (SOPs) included in the BMP Plan, the permittee shall ensure proper operation and maintenance of the treatment facility.
4. *Requirements.* The BMP Plan shall be consistent with the objectives in Part 3 above and the general guidance contained in the publication entitled "Guidance Manual for Developing Best Management Practices" (U.S. EPA, 1993) or any subsequent revisions to the guidance document. The BMP Plan shall:
 - a. Be documented in narrative form, and shall include any necessary plot plans, drawings or maps, and shall be developed in accordance with good engineering practices. The BMP Plan shall be organized and written with the following structure:
 - (1) Name and location of the facility.

- (2) A statement of BMP policy.
 - (3) Structure, functions, and procedures of the Best Management Practices Committee.
 - (4) Specific management practices and standard operating procedures to achieve the above objectives, including, but not limited to, the following:
 - (a) modification of equipment, facilities, technology, processes, and procedures, and
 - (b) improvement in management, inventory control, materials handling or general operational phases of the facility.
 - (5) Risk identification and assessment.
 - (6) Reporting of BMP incidents.
 - (7) Materials compatibility.
 - (8) Good housekeeping.
 - (9) Preventative maintenance.
 - (10) Inspections and records.
 - (11) Security.
 - (12) Employee training.
- b. Include the following provisions concerning BMP Plan review:
- (1) Be reviewed by appropriate engineering and managerial staff.
 - (2) Be reviewed and endorsed by the permittee's BMP Committee.
 - (3) Include a statement that the above reviews have been completed and that the BMP Plan fulfills the requirements set forth in this permit. The statement shall be certified by the dated signatures of each BMP Committee member.

- c. Establish specific best management practices to meet the objectives identified in Part 3 this section, addressing each component or system capable of generating or causing a release of significant amounts of pollutants, and identifying specific preventive or remedial measures to be implemented.
- d. Establish specific best management practices or other measures which ensure that the following specific requirements, if necessary, are met:
 - (1) Provide for dewatering of the gravel mines.
 - (2) Provide for the use of diffusers or other energy-dissipating structures at the terminus of the discharge pipes to minimize or abate erosion resulting from the discharge.
 - (3) Prevent hydrocarbon contamination of the gravel mine pits from equipment, machinery and other sources.
 - (4) Provide for the construction and use of settling ponds or basins as necessary to comply with the effluent limits of the permit.
 - (5) Reflect requirements under CWA §402(p) and the storm water regulations at 40 CFR §§122.26 and 122.44, and otherwise eliminate, to the extent practicable, contamination of storm water runoff.
 - (6) Require the use of low phosphate detergents.
- 5. *Documentation.* The permittee shall maintain a copy of the BMP Plan at the facility and shall make the plan available to EPA or ADEC upon request. All offices of the permittee which are required to maintain a copy of the NPDES permit shall also maintain a copy of the BMP Plan.
- 6. *BMP Plan Modification.* The permittee shall amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants or their release or potential release to the receiving waters. The permittee shall also amend the BMP Plan, as appropriate, when operations covered by the BMP Plan change. Any such changes to the BMP Plan shall be consistent with the objectives and specific

requirements listed above. All changes in the BMP Plan shall be reviewed by the appropriate engineering and managerial staff.

7. *Modification for Ineffectiveness.* At any time, if the BMP Plan proves to be ineffective in achieving the general objective of preventing and minimizing the generation of pollutants and their release and potential release to the receiving waters and/or the specific requirements above, the permit and/or the BMP Plan shall be subject to modification to incorporate revised BMP requirements.

G. Other Discharge Limitations

This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility or any pollutants that are not ordinarily present in such waste streams.

III. MONITORING, RECORDING, AND REPORTING REQUIREMENTS.

- A. Representative Sampling.** All samples for monitoring purposes shall be representative of the monitored activity, 40 CFR 122.41(j). To determine compliance with permit effluent limitations, "grab" samples shall be taken as established under Permit Part II. Effluent samples shall be collected prior to discharge to the receiving water.
- B. Reporting of Monitoring Results.** Monitoring results shall be summarized each month and reported on EPA Form 3320-1 (Discharge Monitoring Report) and submitted annually to the Environmental Protection Agency, Region 10, 1200 Sixth Avenue, NPDES Compliance Unit OW-133, Seattle, Washington 98101-3188, postmarked no later than **January 31st for the preceding calendar year**. If there is no wastewater discharge, the Permittee shall mark the DMR appropriately and submit the form as required above. If there is no discharge from an outfall for several consecutive months, these months may be combined on one DMR form (see Attachment B for an example). Reports shall also be submitted to ADEC, Watershed Development Group - Industrial Permits, 555 Cordova Street, Anchorage, AK 99501.
- C. Monitoring Procedures.** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- D. Additional Monitoring by the Permittee.** If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation

and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

E. Records Contents. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses.

F. Retention of Records. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Administrator or ADEC at any time. Data collected on-site, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on-site for the duration of activity at the permitted location.

G. Notice of Noncompliance Reporting.

1. Any noncompliance which may endanger health or the environment shall be reported as soon as the Permittee becomes aware of the circumstance. A written submission shall also be provided in the shortest reasonable period of time after the Permittee becomes aware of the occurrence.
2. The following occurrences of noncompliance shall also be reported in writing in the shortest reasonable period of time after the Permittee becomes aware of the circumstances:
 - a. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Permit Part IV.G., **Bypass of Treatment Facilities.**); or
 - b. Any upset which exceeds any effluent limitation in the permit (See Permit Part IV.H., **Upset Conditions.**).

3. *The written submission shall contain:*
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
4. The Regional Administrator may waive the written report on a case-by-case basis if an oral report has been received within 24 hours by the NPDES Compliance Unit in Seattle, Washington, by phone, (206) 553-1846.
5. Reports shall be submitted to the addresses in Permit Part III.B.,
Reporting of Monitoring Results.

H. Other Noncompliance Reporting. Instances of noncompliance not required to be reported in Permit Part III.G. above shall be reported at the time that monitoring reports for Permit Part II.A. are submitted. The reports shall contain the information listed in Permit Part III.G.3.

- I. Inspection and Entry.** The Permittee shall allow the Regional Administrator, ADEC, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. At reasonable times, inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

IV. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply. The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The Permittee shall give advance notice to the Regional Administrator and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions.

1. *Civil and Administrative Penalties.* Sections 309(d) and 309(g) of the Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil penalty, not to exceed \$27,500 per day for each violation.
2. *Criminal Penalties:*
 - a. *Negligent Violations.* The Act provides that any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or by both.
 - b. *Knowing Violations.* The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three years, or by both.
 - c. *Knowing Endangerment.* The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. A person that is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than \$1,000,000.
 - d. *False Statements.* The Act provides that any person who knowingly makes any false material statement,

representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both.

Except as provided in permit conditions in Permit Part IV.G., **Bypass of Treatment Facilities** and Permit Part IV.H., **Upset Conditions**, nothing in this permit shall be construed to relieve the Permittee of the civil or criminal penalties for noncompliance.

- C. Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate.** The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance.** The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances.** Solids, sludges, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner so as to prevent any pollutant from such materials from entering navigable waters.
- G. Bypass of Treatment Facilities.**

 - 1. *Bypass not exceeding limitations.* The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.

2. *Notice:*

- a. Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
- b. Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required under Permit Part III.G., **Notice of Noncompliance Reporting**.

3. *Prohibition of bypass.*

- a. Bypass is prohibited and the Regional Administrator or ADEC may take enforcement action against a Permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The Permittee submitted notices as required under paragraph 2 of this section.
- b. The Regional Administrator and ADEC may approve an anticipated bypass, after considering its adverse effects, if the Regional Administrator and ADEC determine that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

- 1. *Effect of an upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. *Conditions necessary for a demonstration of upset.* A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the Permittee can identify the cause(s) of the upset;
 - b. The permitted facility was being properly operated at the time;
 - c. The Permittee submitted notice of the upset as required under Permit Part III.G., **Notice of Noncompliance Reporting**; and
 - d. The Permittee complied with any remedial measures required under Permit Part III.D., **Duty to Mitigate**.
3. **Burden of proof.** In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

- I. **Toxic Pollutants.** The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

V. GENERAL REQUIREMENTS

- A. **Changes in Discharge of Toxic Substances.** Notification shall be provided to the Regional Administrator and ADEC as soon as the Permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. One hundred micrograms per liter (100 µg/l);
 - b. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

- c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by the Regional Administrator in accordance with 40 CFR 122.44(f).
- 2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. Five hundred micrograms per liter (500 µg/l);
 - b. One milligram per liter (1 mg/l) for antimony;
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by the Regional Administrator in accordance with 40 CFR § 122.44 (f).

B. Planned Changes. The Permittee shall give notice to the Regional Administrator and ADEC as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- 1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
- 2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Permit Part V.A.1.

C. Anticipated Noncompliance. The Permittee shall also give advance notice to the Regional Administrator and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

D. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of

planned changes or anticipated noncompliance, does not stay any permit condition.

- E. Duty to Reapply.** If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- F. Duty to Provide Information.** The Permittee shall furnish to the Regional Administrator and ADEC, within a reasonable time, any information which the Regional Administrator or ADEC may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Regional Administrator or ADEC, upon request, copies of records required to be kept by this permit.
- G. Other Information.** When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Regional Administrator or ADEC, it shall promptly submit such facts or information.
- H. Signatory Requirements.** All applications, reports or information submitted to the Regional Administrator and ADEC shall be signed and certified.

 - 1. All permit applications shall be signed as follows:

 - a. For a corporation: by a responsible corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
 - 2. All reports required by the permit and other information requested by the Regional Administrator or ADEC shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

 - a. The authorization is made in writing by a person described above and submitted to the Regional Administrator and ADEC, and
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant

manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under paragraph IV.H.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.H.2. must be submitted to the Regional Administrator and ADEC prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- I. **Availability of Reports.** Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator and ADEC. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- J. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Act.
- K. **Property Rights.** The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

- L. Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers.** This permit may be automatically transferred to a new Permittee if:
1. The current Permittee notifies the Regional Administrator at least 30 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new Permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 3. The Regional Administrator does not notify the existing Permittee and the proposed new Permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- N. State Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.
- O. Paperwork Reduction Act.** EPA has reviewed the requirements imposed on regulated facilities in this final general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. The information collection requirements of this permit have already been approved by the Office of Management and Budget in submissions made for the NPDES permit program under the provisions of the Clean Water Act. No comments from OMB or the public were received on the information collection requirements in this permit.

VI. DEFINITIONS

- A. ADEC** means the Alaska Department of Environmental Conservation.
- B. Average Monthly discharge limitation** means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

- C. *Average weekly discharge limitation* means the highest allowable average of a minimum of seven consecutive days of samples.
- D. *BOD₅* means Biochemical Oxygen Demand.
- E. *Bypass* means the intentional diversion of waste streams from any portion of a treatment facility.
- F. *Coastal* means any location in or on a water of the United States landward of the inner boundary of the territorial seas.
- G. *Daily discharge* means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
- H. *Domestic Wastewater* means materials discharged from showers, sinks, safety showers, eye-wash stations, hand-wash stations, fish-cleaning stations, galleys and laundries.
- I. *EPA* means the Environmental Protection Agency.
- J. *GPD* means Gallons per day.
- K. *Garbage* means all kinds of victual, domestic and operational waste, excluding fresh fish and parts thereof, generated during the normal operation.
- L. A *Grab* sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.
- M. *Maximum daily discharge* limitation means the highest allowable "daily discharge."
- N. *mg/L* means milligram per liter.
- O. *ml/L* means milliliter per liter.
- P. *Natural condition* means any physical, chemical, biological, or radiological condition existing in a waterbody before any human-caused influence on, discharge to, or addition of material to, the waterbody.
- Q. *Off-shore* means seaward of the inner boundary of the territorial seas.

- R. *Open waters* means ponds, lakes, streams and rivers.
- S. *The Plan* means the Best Management Practices Plan.
- T. *Salmonid fish* means fish in the family Salmonidae including but not limited to salmon, grayling, whitefish, char, trout, ciscoe, and inconnu.
- U. *Sanitary wastewater* means human body waste discharge from toilets and urinals.
- V. *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- W. SS means settleable solids.
- X. *Territorial seas* means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.
- Y. TSS means Total Suspended Solids.
- Z. $\mu\text{g/L}$ means microgram per liter.
- AA. *Upset* means an exception incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- BB. *Victual waste* means any spoiled or unspoiled food waste.